

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

BRENDA MICHELLE BERRY,)
)
Plaintiff,)
) Case No. 1:15-cv-201
v.)
)
CAROLYN W. COLVIN) Judge Mattice
Acting Commissioner of Social Security,) Magistrate Judge Lee
)
Defendant.)
)

ORDER

On April 18, 2016, United States Magistrate Judge Susan K. Lee filed her Report and Recommendation (Doc. 17) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Lee recommended that (1) Plaintiff's Motion for Summary Judgment (Doc. 11) be granted in part and denied in part; (2) Defendant's Motion for Summary Judgment (Doc. 14) be denied; and (3) the decision of the Commissioner be reversed and remanded pursuant to Sentence Four of 42 U.S.C. § 405(g).

The Parties have filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has conducted a review of the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Lee's well-reasoned conclusions.

¹ Magistrate Judge Lee specifically advised the Parties that they had 14 days in which to object to the Report and Recommendation and that failure to do so would waive their right to appeal. (Doc. 17 at 15 n.6); see Fed. R. Civ. P. 72(b)(2); see also *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which the Parties could timely file any objections has now expired.

Accordingly:

- The Court hereby **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact, conclusions of law, and recommendations (Doc. 17) pursuant to § 636(b)(1) and Rule 72(b);
- Plaintiff's Motion for Summary Judgment (Doc. 11) is hereby **GRANTED IN PART** to the extent it seeks remand to the Commissioner and **DENIED IN PART** to the extent it seeks an award of benefits;
- Defendant's Motion for Summary Judgment (Doc. 14) is hereby **DENIED**;
- The decision of the Commissioner is hereby **REVERSED** and **REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g) to address the issues outlined in Magistrate Judge Lee's Report and Recommendation (Doc. 17).

SO ORDERED this 16th day of May, 2016.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE